



**Peggy
Livingston/ENF/R8/US
EPA/US**

11/16/2007 09:17 AM

To KMurray@chapman.com
cc
bcc
Subject Fw: UPCM RD/RA CD Financial Assurance

I'm forwarding this to your other email address.

Peggy Livingston
Senior Enforcement Attorney
1595 Wynkoop Street
Denver, CO 80202-1129
303-312-6858 (phone)
303-312-7202 (fax)


Please note new street address and fax number.

----- Forwarded by Peggy Livingston/ENF/R8/USEPA/US on 11/16/2007 09:17 AM -----



**Peggy
Livingston/ENF/R8/US
EPA/US**

11/16/2007 09:11 AM

To Kevin Murray <krmurray@mac.com>
cc
Subject UPCM RD/RA CD Financial Assurance 

Kevin:

We are looking now at the Irrevocable Letter of Credit that you emailed me yesterday. We will likely get back with you today.

One initial question is that I thought that the amount of financial responsibility UPCM would put up would be \$4,500,000. There is another amount in what you emailed. Do you know why it is not \$4,500,000?

Another question is why it is not in what I understand is an EPA-approved format for letters of credit. As soon as I send this email I will fax your office a copy of that EPA form or else get it scanned and email the scanned the scanned copy to you. We would want the letter of credit to follow that form.

I have been out of the office quite a bit (sick - now I'm much better except when I think about how behind I got) and therefore did not send you a formal letter confirming my prior email that EPA would consider deadlines for UPCM to do something under the CD to run as if the date of entry were October 18, not October 4. As we discussed, this is because the judge signed the CD before the public comment period ended. (Mark confirmed that we did not receive any public comments.) On your request to postpone the deadline under par. 47 for UPCM to file its first yearly petition for a reduction in financial responsibility, the team thought that we would first make sure that the entire amount was provided and then send a formal answer. I had meant to send you a more formal letter earlier stating this.

Peggy Livingston

Senior Enforcement Attorney
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Please note new street address and fax number.

Kevin Murray <krmurray@mac.com>



Kevin Murray
<krmurray@mac.com>

11/16/2007 08:26 AM

To Peggy Livingston/ENF/R8/USEPA/US@EPA

cc

Subject

Peggy due to deadlines I really need to know today if the FA is acceptable. Thanks.

Kevin R. Murray
Sent from my iPhone